

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

SHERWIN S. PERKINS,

Plaintiff,

v.

DR. AYODELE ABEL AYEDUN; DR.
CHERILYN ZELLNER; and MS. MITZI
HALL,

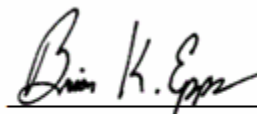
Defendants.

CV 324-074

ORDER

Plaintiff, incarcerated at Johnson State Prison in Wrightsville, Georgia, commenced this case pursuant to 42 U.S.C. § 1983. The matter is now before the Court on Plaintiff's request to voluntarily dismiss his case. (Doc. no. 57.) As no Defendant has filed an answer or a motion for summary judgment, according to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff may dismiss his case without an Order from the Court.¹ Therefore, the Court **DIRECTS** the Clerk to **DISMISS** this civil action without prejudice and terminate all pending motions and deadlines.

SO ORDERED this 2nd day of July, 2025, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ Defendants' pending motions to dismiss, (doc. nos. 38, 46), do not preclude Plaintiff's voluntary dismissal of this case. See *PTA-FLA, Inc. v. ZTE USA, Inc.*, 844 F.3d 1299, 1307 (11th Cir. 2016) ("According to the plain text of Rule 41(a)(1)(A)(i), only the filing of an answer or a motion for summary judgment terminates a plaintiff's ability to voluntarily dismiss its claims without a court order."); see also *In re Beckmann*, No. 1:22-CV-5093, 2023 WL 8785220, at *3 (N.D. Ga. Sept. 18, 2023), *adopted by* 2023 WL 8785135 (N.D. Ga. Oct. 18, 2023) ("[T]his Circuit and other federal courts have found that a defendant's filing of a motion to dismiss under Rule 12(b) does not affect a plaintiff's right to dismiss an action voluntarily, with the exception of a 12(b)(6) motion converted to a motion for summary judgment." (citations omitted)).